

**REMARKS**

Claims 1-4, 7-9, 26-27 and 42-49 are pending in the application.

Claims 7-9 and 27 stand as being withdrawn by the Examiner.

Claims 6 and 31-33 have been canceled.

Claims 1, 4, 7-9, 26, 27, 42-45 and 47 have been amended. The claims have been amended to clarify that the administered composition is effective to modify perception of weight such that the estimate of weight after inhaling the composition is less than the estimate of weight before (without) inhaling the composition.

New Claims 48-49 have been added. Support for the new claims is in the specification at page 5, lines 16-22 and page 16, lines 7-12 (7-10% reduction in perceived weight compared to no odor control).

The claim amendments and new claims are merely to clarify language used in the claims and/or the subject matter claimed. No new matter has been added with the amendments to the claims or the addition of the new claims.

**Objections to Claims under 37 CFR 1.75(c)**

The Examiner objected to Claim 26, which depends from Claim 1, for reciting the limitation of the floral odorant and the spice odorant as a 'mixture' of odorants.

Claim 1 has been amended to define the floral odorant and the spice odorant as the listed odorants and "mixtures thereof" (as supported in the specification at page 6, lines 10-13).

Accordingly, withdrawal of this objection is respectfully requested.

**Rejection of Claims under 35 U.S.C. § 112(1)**

The Examiner rejected Claims 1-4, 26 and 41-47 under Section 112(1) for failing to comply with the written description. This rejection is respectfully traversed.

The Examiner maintains that the limitation in the claims of the estimate of body weight being about 5-10% less than actual body weight is not supported in the specification.

The claims have been amended to eliminate that limitation.

Accordingly, withdrawal of this rejection of the claims is respectfully requested.

**Rejection of Claims under 35 U.S.C. § 112(2)**

The Examiner rejected Claims 1-4, 26 and 41-47 under Section 112(2) for failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Examiner maintains that the claims contain subject matter not described in the specification such that one skilled in the art is not enabled to make and/or use Applicant's methods as claimed. This rejection is respectfully traversed.

Applicant's specification is sufficiently enabling for one of ordinary skill in the art to make and use the method as defined in the claims, and the practice of that method would not require undue experimentation.

To meet the enablement requirement, the specification must teach those skilled in the art how to make and use the full scope of the claimed invention without undue experimentation.

*In re Wright*, 27 USPQ2d 1510 (Fed. Cir. 1993). The factors relevant to whether experimentation is undue are provided under *In re Wands*, 8 USPQ2d 1400 (Fed. Cir. 1988). See also, *Sanofi-Synthelabo v. Apotex Inc.*, 89 USPQ2d 1370 (Fed. Cir. 2008).

The factors relevant to whether experimentation is undue include (1) the quantity of experimentation that is needed, (2) the amount of direction or guidance provided, (3) the presence or absence of working examples, (4) the nature of the invention, (5) the state of the prior art, (6) the relative skill of those in the art and knowledge already available concerning the subject matter at issue, (7) the predictability or unpredictability in the specific area of science or technology, and (8) the breadth of the claims. *In re Wands*, 8 USPQ2d 1400 (Fed. Cir. 1988), *Sanofi-Synthelabo v. Apotex Inc.*, 89 USPQ2d 1370 (Fed. Cir. 2008)

Applicant's invention as presently claimed is a method of modifying perception of weight of a female person by administering a particular odorant or odorant mixture to a *male* person inhaling the composition, namely, a composition comprising or consisting essentially of a mixture of a floral odorant and a spice odorant -- whereby the floral odorant is *limited to* jasmine, lilac, lily of the valley, magnolia, rose, lavender, geranium, hyacinth, orange blossom, apple blossom, carnation and mixtures thereof, and the spice odorant is *limited to* cinnamon, ginger, cloves, nutmeg, oriental spice and mixtures thereof.

The claims require that administering the odorant composition results in a modification of the perception of the male person inhaling the odorant composition of the weight of a female person being perceived -- whereby the male's estimate of the female's weight after inhaling the

composition is less than an estimate of the female's weight before/without inhaling the composition.

The claims also require that the composition is considered as hedonically positive to the male person and that the body mass index (BMI) of the female is about 25 or greater — which is the medically defined threshold for being overweight according to the National Heart, Lung, and Blood Institute, Body Mass Index Table: Obesity Guidelines (2001).

The Examiner argues that the claims are broad, stating as follows (emphasis added):

**Breadth of the Claims.** Contrary to Applicant's arguments, the claims are broad in that they are directed to a method of modifying perception of body weight *in any and all subjects* (regardless of the gender, age, sexual proclivity or sexual preference or ethnic background of the first person) comprising administering to *a first person* for inhalation an effective amount of a composition that is a mixture of a floral odorant and a spice odorant in effective amounts such that an estimate by the first person of the body weight of *a second person* having a body mass index (BMI) of about 25 or greater *is about 5-10% less than actual body weight of said second person and* less than an estimate of the body weight of said second person by the first person before inhalation of the composition, wherein the floral odorant is selected from the group consisting of jasmine, lilac, lily of the valley, magnolia, rose, lavender, geranium, hyacinth, orange blossom, apple blossom and carnation, and the spice odorant is selected from the group consisting of cinnamon, ginger, cloves, nutmeg and oriental spice. The complex nature of the subject matter of the invention is clearly exacerbated by the breadth of the claims, particularly in view of the *broadly different types and number of different types of floral odorants and spice odorants* (natural or synthetic) used in the making of the claim- designated odorant mixture which requires effective amounts of each of the claim- designated odorants to effect the beneficial functional effect for modulation of perception of body weight when administered in effective amounts to a first person (an observer) who perceives the odorant mixture to be hedonically positive.

The Examiner argues that the claims are broad because the method is directed to "any and all subjects (regardless of the gender, age, sexual proclivity or sexual preference or ethnic background of the first person)."

The claims have been amended to limit administering the odorant composition to a *male* person to alter perception of the weight of a *female* person.

It is not required that Applicant's methods be limited to only males having particular characteristics. Regardless of the male subject, it is implicit in the claims that the conditions of the method are not met unless administering the odorant composition as defined in the claims to the male subject achieves the recited effect.

One skilled in the art would clearly recognize and appreciate whether or not the conditions of the claimed methods were met by assessing the effect of inhaling the composition

to lessen the male's estimate of a female's weight after inhaling the odorant composition compared to before (without) inhaling the composition – regardless of the male subject.

Regarding the requirement in the claims of the estimate of body weight being "about 5-10% less than actual body weight" – that limitation has been eliminated from the claims. The claims as amended require that the administered composition is effective to modify perception of weight such that the estimate of weight after inhaling the composition is less than the estimate of weight before (without) inhaling the composition.

The Examiner also argues that the claims are broad in view of the "*broadly different types and number of different types of floral odorants and spice odorants (natural or synthetic)*" that are used in the making of the odorant composition that is administered to the male person.

The claims do not call for just any odorant or odorant mixture. The claims are limited to a mixtures of floral and spice odorants – with the *floral odorant limited to* jasmine, lilac, lily of the valley, magnolia, rose, lavender, geranium, hyacinth, orange blossom, apple blossom and carnation, and mixtures of those odorants, and the *spice odorant limited to* cinnamon, ginger, cloves, nutmeg and oriental spice, and mixtures of those odorants. It is also required that the floral/spice odorant mixture is judged to be hedonically positive by the male individual, and further that the inhaling the composition will alter the male's perception of a female's body weight.

The nature and characteristics of the listed odorants are well understood in the odorant arts, and one skilled in the odorant arts would readily ascertain and provide suitable odorants that have the recited odorant character from various sources – both synthetic and natural. The claims employ language known and used in the art and which is of the same scope as the described invention.

The following patents and publications provide evidence of how one skilled in the art uses and understands the terms jasmine, lilac, lily of the valley, magnolia, rose, lavender, geranium, hyacinth, orange blossom, apple blossom, carnation, cinnamon, ginger, cloves, nutmeg and oriental spice odorants, and to show the acceptance of these terms in the art, as well as the use and construction applied to these terms by the USPTO.

See, for example, the following U.S. patents, which provide evidence of how one skilled in the art uses and understands these terms in the art, as well as the construction applied to these terms and understanding of other Examiners in the USPTO.

The claims of U.S. Patent 5,885,614 (Hirsch) (Use of odorants to treat male impotence...) recite the use of several of the odorants recited in Applicant's claims -- including oriental spice odorant, and lavender, lily of the valley and rose odorants, and discloses sources of the odorants at cols. 6-7. See, for example, Claim 1 below (emphasis added).

1. A method of increasing penile blood flow in a male individual, comprising:

administering to the male by inhalation of an odorant in an amount effective to increase penile blood flow; the odorant selected from the group consisting of ...lily of the valley, ...rose,...lavender,...oriental spice, ....

USP 5,904,916 (Hirsch) provides an Example that includes testing of odorants including oriental spice and lavender, and discloses sources of the odorants. See at cols. 7-8 ("Pre-testing of subjects with other odors, i.e., oriental spice (IFF 2245-HS)...lavender (essential oils)...showed no effect on learning time...").

Other patentees also describe and claim spice and floral odorants. See, for example, see the following U.S. patents:

USP 5,324,490 (Van Vlahakis) (Deodorant container and perfumed stable gel assembly and method of manufacture) (Claim 25 and col. 7, lines 52-64: listing perfumes including jasmine).

USP 5,372,303 (Paul) (Air freshener) (Claim 10 and cols. 8-9, bridging paragraph: oil-based fragrances listing spices, cloves, floral notes, jasmine, lavender).

USP 6,991,785 (Frey, II) (Method for administering a cytokine to the central nervous system and the lymphatic system) (Claims 29-20 and col. 14, lines 51-55: jasmines such as C18-jasmine and jasmal).

USP 6,589,537 (Harbeck) (Infant Skin Care Composition) (Claim 1 and col. 5, lines 35-40 and col. 7, lines 56-60: lavender, violet, magnolia, rose, lilac, ginger).

Reference publications also list the recited odorants. See, for example, Doty (The Smell Identification Test™ Administration Manual, Philadelphia Sensonics, Haddon Heights, N.J., 1983) at pages 5 and 7, listing cinnamon, clove, lilac and rose odorants, among others.

Importantly, the issuance of U.S. patents that describe and claim odorants listed in the claims demonstrates that the meaning and scope of the odorants are accepted and well understood in the odorant arts and by the USPTO. The terms jasmine, lilac, lily of the valley,

magnolia, rose, lavender, geranium, hyacinth, orange blossom, apple blossom, carnation, cinnamon, ginger, cloves, nutmeg and oriental spice odorants have been utilized in various contexts including Applicant's own issued patents as well as other issued patents and publications.

Applicant has described examples of sources of commercial odorants that are within the scope of the claims in the specification at page 6, lines 7-20. The specification at page 6, line 20, also discloses that odorants can be utilized as essential oils, i.e., volatile material isolated from a plant source. One of ordinary skill in the odorant arts would be able to readily ascertain other commercial and non-commercial sources of the odorants that fall within the scope of the claims, and whether a substance had a jasmine aroma, a lilac aroma, a lily of the valley aroma, a cinnamon aroma, a ginger aroma, an oriental spice aroma, or other odorant aroma as listed in the claims.

Each of the odorants recited in Claim 1 will possess a distinct and characteristic aroma or odor that defines the particular odorant as it is understood and employed in the art. For example, a jasmine odorant will have a recognizable jasmine odor — regardless of brand or manufacturer.

Known methods in the art can be readily used for identifying and/or preparing odorants within the scope of the claims, including, for example, gas chromatography-mass spectrometry (GC-MS), among other methods. In the Response filed February 11, 2008, Applicant submitted various publications that address identification of aroma components, as follows:

Jordan et al., "Aromatic profile of aqueous banana essence and banana fruit by gas chromatography-mass spectrometry (GC-MS) and gas chromatography-olfactometry (GC-O)," *J. Agric. Food Chem.* 49(10):4813-7 (2001).

Zhou et al., Identification and quantification of aroma-active components that contribute to the distinct malty flavor of buckwheat honey," *J. Agric. Food Chem.* 50(7): 2016-21 (2002).

Hamilton et al., "Measuring Farmstead Odors," Oklahoma Cooperative Extension Service, OSU Extension Facts F-1740 (06-1999), at (<http://agweb.okstate.edu/pearl/biosystems/general/f1740.htm>) : use of a gas chromatograph with a mass spectrometer detector in odorant analysis.

*Kirk-Othmer Concise Encyclopedia of Chemical Technology*, John Wiley & Sons, Inc. (1985) at page 844 : use of instrumental techniques to separate and identify volatile organic substances, for example, capillary gas chromatography columns in tandem with a mass spectrometer, Fourier transform nmr spectroscopy.

Applicant has also submitted U.S. Patents, including USP 5,031,764 (Medor) and USP 6,606,566 (Sunshine) as evidence of methods in the art that can be readily used for identifying and/or preparing odorants within the scope of the claims, as follows:

USP 5,031,764 (Medor) (Apparatus for Designing Personalized Perfumes), which identifies fragrance families including fruit, floral and oriental/spice, and distinguishing between different families of notes. See at col. 1, lines 43-50 ("...An example of the different fragrance families are fruit, floral, fantasy, ...oriental/spice.... It is therefore easy to distinguish between different families of notes....").

USP 6,606,566 (Sunshine) (Computer code for portable sensing) describes how to analyze and reconstruct an analyte.

From the commercial sources and the other information provided by Applicant, one skilled in the odorant arts would readily produce and/or identify the specific floral and spice odorants listed in the claims and formulate a composition of a mixture of those odorants for administering to a male subject in accordance with the claimed methods.

The scope of the claims is clearly defined by the step to be performed which requires administering the odorant composition to a male person. The scope of the claims is further defined by the identity of the composition being a mixture of specific floral and spice odorants, and by the requirement that the composition is *effective* such that inhaling the composition results in an estimate by the male of the female's weight that is less than an estimate of the female's weight before/without inhaling the composition. It is implicit that the conditions of the method would not be met unless the odorant composition achieves the required effect.

At page 11 of the Office Action, the Examiner argues that there is no support for the limitation of the female person having a BMI of greater than 25.

Support for this limitation is in the specification at page 7, lines 25-27 (alter perception of weight of an overweight/obese or morbidly obese individual), and at page 8, lines 20-23 (overweight or obese individual with BMI of 25 or greater).

Additional support is in the Example test study at pages 14-15, in which three odorants mixtures -- #1: citrus/floral odorant mixture, #2: sweet pea/lily of the valley odorant mixture, and #3: floral and spice odorant mixture, were administered to male subjects to determine the effect on estimates of weight of a female subject who had a BMI of 36.2 – which meets the medically

defined threshold of a BMI  $\geq 25$  for being overweight, as set forth by the National Heart, Lung, and Blood Institute, Body Mass Index Table: Obesity Guidelines (2001). The results demonstrated that only the use of the floral/spice odorant mixture produced an effect on reducing the male's estimate of the weight of the overweight female (BMI of 36.2).

Correspondingly, the claims are limited to administering a floral/spice odorant mixture to a male individual to effect a reduction in the male's estimate of the weight of a female having a BMI greater than 2.5 – as set forth and demonstrated in the test study example.

The claims are fully supported in Applicant's disclosure including the examples.

At page 11, lines 7-12 of the Office Action, the Examiner argues that Applicant fails to address whether or not the pilot test odorants (i.e., lavender, pumpkin pie, cinnamon) produced a weight-*increasing* effect. This is *irrelevant*. The claims are directed to administering an odorant composition that has a weight-*decreasing* effect – *not* a weight-increasing effect. Furthermore, the claims require administering a mixture of floral and spice odorants and that the female has a BMI  $>25$  – *not* administering single odorants with the female subject having a BMI  $<25$  as in the pilot test Example.

At page 13, lines 12-18, the Examiner also challenged the determination of the positive or negative hedonics of the odorant mixtures in the test study by a test panel. The Examiner argues that no information was provided regarding the panel participants or "whether any of the odorants or odorant mixtures provided a modifying perception of body weight in the panel members." The function of the test panel was to provide an initial and overall judgment of hedonics of odorant mixtures to identify hedonically positive odorant mixtures to be administered to the male test subjects. And, whether or not the odorant mixture had any effect on the panel participants is *irrelevant*.

The Test Study Example further included a determination of the hedonics of the odorant mixtures *by the individual male subjects*. See page 14, lines 27-28, as follows:

Subjects were then queried on their detection and hedonics of each of the Odorants 1-3. . . Comparisons were determined for each Odorant as compared to the control (no odorant) as well as subgroupings based on age and hedonics (i.e., like/dislike of the odorant mixture).

Of the 50 male subjects tested with the floral/spice odorant mixture, 16 men judged that mixture to be hedonically positive. See specification at page 15, line 27 to page 16, line 3.

And, in accordance with the results of the test study, the claims are limited to administering a mixture of floral and spice odorants that is *hedonically positive* to the male person inhaling the composition.

Hedonic perception is an affective evaluation that centers on likes and dislikes (i.e., preferences). Applicant defines the term "hedonically positive odorant mixture" in the specification at page 5, lines 8-9, as follows: "A hedonically positive odorant or odorant mixture is one to which the individual has a pleasant or positive reaction to its scent."

Applicant also describes screening and assessing an odorant or odorant mixture for positive or negative hedonics in the specification at page 6, lines 21-24. As described, such screening can be conducted by administering the odorant/mixture to an individual who is questioned as to a positive or negative reaction to the pleasantness of the scent (i.e., to identify the composition as hedonically positive or hedonically negative).

Furthermore, testing for positive or negative hedonics of an odorant or odorant mixture is well within the understanding of the art. See, for example, USP 5,194,582 (Eldridge) (Process to deodorize an odorous poly(mono-1-olefin), which describes "hedonic tone" of an odor and its measurement at col. 6, lines 37-47 (emphasis added).

The odor panel then evaluated each polymer for both its odor intensity and its odor quality. ...The odor quality is a measure of how pleasant or how revolting an odor was perceived by the odor panelists while they ignore the odor intensity. The odor quality is also known in the art as the *hedonic tone*. The odor quality was measured on a scale of -5 to +5 where -5 meant that the sample had a revolting odor and +5 meant that the sample had a pleasant odor and 0 meant that the sample had a neutral odor...

See also USP 5,066,686 (Fodor) (Deodorizing odorous polyolefins with low concentrations of inorganic oxidizing agents), which describes measuring odor quality – or "hedonic tone" of an odor at cols. 4-5, bridging paragraph (emphasis added).

The odor quality (also referred to in the art as the *hedonic tone*) was a measure of how pleasant or how revolting a particular odor was perceived. This odor quality was measured on a -3 to a +3 scale where -3 represented a revolting odor and +3 represented a pleasant odor. The 0 point on this scale represented a neutral odor quality. For commercial reasons a neutral odor quality is usually desirable for a polyolefin product.

Applicant has adequately described how to determine the hedonic nature of an odorant or odorant mixture. Based on Applicant's disclosure and the knowledge in the art, one skilled in the art would clearly be able to identify a hedonically positive odorant mixture for use in the methods as claimed.

Regarding the "Predictability and State of the Art," the Examiner cites to a number of publications (Hall 2004; Henderson 2006; Crandall 2009) as evidence of the lack of accuracy of visual estimates of body weight. Each of the references cited by the Examiner concerns the accuracy of estimating the actual body weight of a person.

The claims have been amended to clarify that administering the defined odorant composition according to Applicant's method is to modify perception of a female's weight based on a reduced estimate of weight after inhaling the composition compared to an estimate of weight before (without) inhaling the composition.

Thus, the accuracy of estimating a female's actual weight is not required by the claims.

At pages 19-22, the Examiner argues that it would take undue experimentation to practice Applicant's methods as claimed.

The claims as amended require administering a floral/spice odorant composition which is limited to a mixture of the listed floral and spice odorants, to result in a modification of the perception of a male inhaling the odorant composition of female's weight – whereby an estimate by the male of the female's weight after inhaling the composition is less than an estimate of the female's weight before/without inhaling the composition. The claims are further limited to administering a hedonically positive floral/spice odorant mixture to the male person for inhalation.

There is no requirement for a working example under the enablement requirement of Section 112(1). See MPEP § 2164.02. Rather, the proper inquiry under *In re Wands* is the amount of experimentation that is necessary in order for one skilled in the art to practice the invention as claimed.

As discussed above, Applicant has described examples of non-commercial and commercial sources of the odorants listed in the claims (specification at page 6, lines 7-20) and a description of odorant compositions (e.g., at page 6, lines 1-6, and page 10, lines 1-9). In view of that description and with the knowledge in the art with regard to those odorants and preparing odorant compositions, one skilled in the odorant arts would readily ascertain and provide a suitable composition composed of a mixture of floral and spice odorants as required by the claims.

The method step is well defined in the claims. The method requires 'administering' the defined odorant composition to a male person for inhalation. Steps in administering the odorant composition are described in the specification at page 8, lines 4-14 and at page 10, lines 1-16.

And, contrary to the Examiner's argument, the Example test study (at pages 14-15) provides a working example of Applicant's methods as claimed.

As set forth in the claims, the Example test study describes conducting estimates of body weight by the male subjects with and without any odorant applied to the female subject with a BMI of 36.2 -- the test odorant mixtures as follows: #1: citrus/floral odorant mixture, #2: sweet pea/lily of the valley odorant mixture, and #3: floral and spice odorant mixture. The results were then assessed to determine effectiveness of the odorant mixtures in reducing the male's estimate of weight of the viewed female. See at page 15, line 27 to page 16, line 12.

The specification further addresses embodiments of implementing Applicant's method by applying an odorant composition to the skin or clothing of a male subject for inhalation or presenting the composition to the male, for example, as a liquid or spray and as a 'scratch-and-sniff' or blister pack delivery system. The odorant composition can also be applied to the female individual in a sufficient concentration for inhalation by the male observer, as in the test study Example. See specification at page 8, lines 4-14 and page 10, lines 1-16.

Applicant has also described methods that can be used to assess and screen odorants and odorant mixtures for effectiveness in achieving the desired result whereby a male's estimate of the weight of a female individual being perceived after inhaling the composition is less than an estimate of the female's weight before inhaling the composition.

As described in the specification at page 7, lines 2-18, screening and assessing an odorant or odorant mixture for effectiveness according to Applicant's method can be conducted by administering the odorant/mixture to male person for inhalation, having the male person estimate the body weight of a female person, comparing the estimate of the body weight to actual body weight of the person to provide a "difference value", comparing the difference value to a "control value" to determine the statistical significance of the difference value, and eliminating the odorant or odorant mixture as being ineffective for altering perception of body weight if not statistically significant. The control value can be derived by having the person estimate the body weight of the individual without inhaling the composition (or inhaling an odorless control

composition), and comparing the body weight estimate with the actual weight of the individual to provide the control value, preferably before administering the test composition to be screened.

Screening and assessing an odorant or odorant mixture for effectiveness in Applicant's method can also be conducted by having a male subject estimate the weight of a female, having the male inhale a test floral/spice odorant composition and estimate the female's weight, and then assessing the difference between the two estimates. See specification at page 6, lines 21-36 and page 7, lines 19-24, and the test study and pilot study at pages 14-15, in which different odorants and odorant mixtures were presented to male subjects for inhalation and assessed for their effect in reducing the male's estimate of a female's weight.

It is well established that satisfaction of the enablement requirement of Section 112 is not precluded by the necessity for some experimentation, such as routine screening. The key word is "undue" not "experimentation." *In re Angstadt and Griffin*, 190 USPQ 214, 219 (CCPA 1976). A considerable amount of experimentation is permissible if it is merely routine, or if the specification provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed. *In re Jackson*, 217 USPQ 804 (Bd. App. 1982).

The elements of Applicant's method as claimed are sufficiently disclosed in the specification as originally filed. In addition, the Examples provide a working example of the steps in administering an odorant composition to a male individual for inhalation according to Applicant's method as claimed, and assessing the effect of the method and odorant composition to induce a change in perception of the weight of female subject by the male individual after inhaling the odorant composition.

The Examiner has provided no persuasive reason why the specification does not realistically enable one skilled in the art to practice the invention as claimed through the use of a floral/spice odorant composition as defined in the claims.

The claims do not encompass undefined odorants. The claims are limited to administering a composition composed of a mixture of floral and spice odorants limited to the listed odorants. The claims are further limited to administering the odorant composition to a male individual as the inhalant of the composition, and by the requirement that the composition is effective to modify the male's perception of the weight of a female such that inhaling the composition results in an estimate by the male of the female's weight that is less than an estimate

of the female's weight before/without inhaling the composition. The claims are further limited to the female individual having a BMI > 25.

It would be a routine matter for one of ordinary skill to prepare and administer an odorant composition as defined in the claims, and readily determine without undue experimentation whether the composition worked or not and whether the method practiced is within the scope of the claims.

Applicant has fully described an embodiment of his invention and the manner for ascertaining effectiveness. Steps in testing and assessing odorants and the effect of Applicant's methods are adequately described in the description and the working examples. Based on Applicant's disclosure and the understanding in the art, Applicant has provided sufficient guidance and information to enable one of skill in the art to practice each of the elements of the methods as claimed without undue experimentation. Clearly, one of ordinary skill in the art is fully enabled to practice Applicant's invention without undue experimentation.

Applicant has provided a sufficiently enabling disclosure to meet the requirements of Section 112(1). Accordingly, the Examiner is requested to reconsider and then withdraw this rejection of the claims.

Extension of Term.

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that a two-month extension of term is required. Please charge the required fee (large entity) to Account No. 23-2053. If an additional extension is required, please consider this a petition therefor, and charge the required fee to Account No. 23-2053.

It is respectfully submitted that the claims are in condition for allowance and notification to that effect is earnestly solicited.

Respectfully submitted,



Kristine M. Strodthoff, Reg. No. 34,259

Dated: October 4, 2010  
WHYTE HIRSCHBOECK DUDEK S.C.  
555 East Wells Street, Suite 1900  
Milwaukee, Wisconsin 53202-3819  
(414) 273-2100  
Customer No. 22202